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Toshiba America Information Systems, Inc., Toshiba  
Samsung Storage Technology Corporation, and  
Toshiba Samsung Storage Technology Korea  
Corporation*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS  
ANTITRUST LITIGATION

Base Case No. 3:10-md-2143 RS  
MDL No. 2143

This Document Relates to:

Case No. 3:13-cv-05370 RS

*Hewlett-Packard Co. v. Toshiba Corporation,  
et al.*, Case No. 3:13-cv-05370-RS

**DECLARATION OF BRENDAN A.  
MC SHANE IN SUPPORT OF REPLY IN  
SUPPORT OF DEFENDANTS' JOINT  
MOTION FOR SUMMARY JUDGMENT  
AGAINST HP**

**PUBLIC VERSION PURSUANT TO COURT ORDERS (DKT. 2721 AND 2773)**

1 I, Brendan A. McShane, hereby declare as follows:

2 1. I am an attorney at law admitted to practice in the State of California, and I am a  
3 partner at the law firm of Latham & Watkins LLP. I am counsel for Defendants Toshiba  
4 Corporation (“Toshiba Corp.”), Toshiba America Information Systems, Inc. (“TAIS”), Toshiba  
5 Samsung Storage Technology Corporation (“TSST”), and Toshiba Samsung Storage Technology  
6 Korea Corporation (“TSSTK”). I submit this declaration in support of Defendants’ Reply in  
7 Support of Defendants’ Joint Motion for Summary Judgment Against HP. Unless otherwise  
8 stated, this declaration is based on my personal knowledge and information provided to me and,  
9 if called upon to do so, I could and would testify competently thereto.

10 2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts of the Expert  
11 Report of Dr. Debra J. Aron, served on February 1, 2017.

12 3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the Updated  
13 Expert Report of Edward A. Snyder, Ph.D., served on April 21, 2017.

14 4. Attached hereto as **Exhibit 3** is a true and correct copy of a document marked as  
15 Exhibit 2226 at the deposition of Leslie Marx, Ph.D., taken on March 23, 2017.

16 5. Attached hereto as **Exhibit 4** is a true and correct copy of a document marked as  
17 Exhibit 2228 at the deposition of Leslie Marx, Ph.D., taken on March 23, 2017.

18 6. Attached hereto as **Exhibit 5** is a true and correct copy of a document produced in  
19 this litigation, Bates numbered: HLDS\_CIV0045356.

20 7. Attached hereto as **Exhibit 6** is a true and correct copy of a document marked as  
21 Exhibit 71 at the deposition of Eugene (Woo Jin) Yang, taken on July 21, 2013.

22 8. Attached hereto as **Exhibit 7** is a true and correct copy of a document marked as  
23 Exhibit 1201 at the deposition of Charlie Tseng, taken on August 26, 2016.

24 9. Attached hereto as **Exhibit 8** is a true and correct copy of a document marked as  
25 Exhibit 131 at the deposition of Eugene (Woo Jin) Yang, taken on July 24, 2013.

26 10. Attached hereto as **Exhibit 9** is a true and correct copy of a document produced in  
27 this litigation, Bates numbered: HLDS\_CIV0034513.

28 11. Attached hereto as **Exhibit 10** is a true and correct copy of a document produced

1 in this litigation, Bates numbered: HLDS\_CIV0011739.

2 12. Attached hereto as **Exhibit 11** is a true and correct copy of a document produced  
3 in this litigation, Bates numbered: HLDS\_CIV0021302.

4 13. Attached hereto as **Exhibit 12** is a true and correct copy of a document marked as  
5 Exhibit 160 at the deposition of J.C. Lim, taken on July 31, 2013.

6 14. Attached hereto as **Exhibit 13** is a true and correct copy of an excerpt of the  
7 transcript from the deposition of Eugene (Woo Jin) Yang, taken on July 23, 2013.

8 15. Attached hereto as **Exhibit 14** is a true and correct copy of an excerpt of the  
9 transcript from the deposition of Jerry (Yow Tsong) Hsieh, taken on December 3, 2015.

10 16. Attached hereto as **Exhibit 15** is a true and correct copy of an excerpt of the  
11 transcript from the deposition of Duha Hwang, taken on August 4, 2016.

12 17. Attached hereto as **Exhibit 16** is a true and correct copy of a document marked as  
13 Exhibit 63 at the deposition of Eugene (Woo Jin) Yang, taken on July 21, 2013.

14 18. Attached hereto as **Exhibit 17** is a true and correct copy of a document marked as  
15 Exhibit 761 at the deposition of Daniel (Sik) Hur, taken on November 20, 2015.

16 19. Attached hereto as **Exhibit 18** is a true and correct copy of a document marked as  
17 Exhibit 881 at the deposition of Kenny (Jae-Hun) Lee, taken on January 21, 2016.

18 20. Attached hereto as **Exhibit 19** is a true and correct copy of a document marked as  
19 Exhibit 2231 at the deposition of Leslie Marx, Ph.D., taken on March 23, 2017.

20 21. Attached hereto as **Exhibit 20** is a true and correct copy of a document produced  
21 in this litigation, Bates numbered: HLDS\_CIV0036116.

22 22. Attached hereto as **Exhibit 21** is a true and correct copy of an excerpt of the  
23 transcript from the deposition of Billy Reynolds, taken on November 10 and November 11, 2015.

24 I declare under penalty of perjury that the foregoing is true and correct, and that this  
25 Declaration was executed this 1st day of September, 2017, in San Francisco, California.

26  
27 By  \_\_\_\_\_

Brendan A. McShane